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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,774	01/26/2001	Robert W. Monster	56739-8003.US00	4885

22918 7590 08/04/2006

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EXAMINER	
SAINT CYR, LEONARD	

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/744,774		MONSTER, ROBERT W.	
	Examiner		Art Unit	
	Leonard Saint-Cyr		2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/25/2005 have been fully considered but they are not persuasive.
2. Applicant argues that Abelow does not teach notifying one or more translation services to translate study elements to the multi-region market research study expressed in an original language into one or more target languages (Amendment, pages 2, 4, 7, 10).

The examiner disagrees, Abelow teaches switching the development interactions to another language, and once that selection is made the new language chosen is set as a permanent flag. This language flag enables properly translated and culturally appropriate customer design instruments (page 50, lines 1 –4). Switching development interactions from one language to another, and enabling proper translation, wherein the development interactions is interpreted as an iterative on-line survey, implies notifying one or more translation services to translate study elements to the multi-region market research study expressed in an original language into one or more languages, since the development interactions ^{involve successive} responses to questions in the market on-line survey to users in different countries or regions in the world.

3. Applicant argues that Abelow neither taught nor suggested providing on-line status monitoring for the translation (Amendment, pages 3, 6, 12)

However, the examiner notes that earlier examiner did not assert that Abelow teaches or suggests that limitation. Instead, the earlier examiner argued that it is obvious to implement the on-line status monitoring of translations in order to ensure accurate market survey results.

4. Applicant argues that Abelow does not teach providing on-line specification for panelists of the study (Amendment, pages 4, 9)

The examiner disagrees, Abelow teaches that after all the subjects have been run, software can report various compilations of the data set, and provide various analysis of an individual subject, a sub –set of subjects or entire group (page 3, lines 14 – 17). By reporting various compilations of the data set, and providing various analysis of the entire group of the subjects, Abelow suggests providing on-line specification for panelists (subjects) of the study, since analyzing the entire group implies considering the number of subjects participating in that survey.

5. Applicant argues that Abelow does not teach providing on-line check in for translated study elements of the multiregion market research study translated from an original language into one or more target languages (Amendment, pages 6, 11)

The examiner disagrees, Abelow teaches switching the development interactions to another language, and once that selection is made the new language chosen is set as a permanent flag. This language flag enables properly translated and culturally appropriate customer design instruments to be run (page 50, lines 1 – 6). By enabling

proper translation and culturally appropriate customer design instruments, Abelow suggests providing on-line check in for translated study elements of the multiregion market research study translated from an original language into one or more target languages, because even though the development interactions is used by users in different countries or regions, the translation is properly done and culturally appropriate.

6. Applicant argues that Abelow does not teach providing in real time a cost estimate for the multi region market research based at least in part of the regions the study is to be conducted, including translation cost if any to enable the study to be conducted in the selected regions (Amendment, pages 13, and 14).

However, the examiner notes that earlier examiner did not assert that Abelow teaches or suggests that limitation. Instead, the examiner argued that it is obvious to provide a real time cost estimate for a market research survey. By providing a real time cost estimate, cost of each service and total cost of all services in the development interactions on-line survey can be estimated, so that companies can justify expense of the market research.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1 – 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abelow (WO 94/03865).

As per claim 1, Abelow teaches a method for creating a multi-region market research study, the method comprising (Abelow; Abstract, pages 1 – 3, & 15 – 17)

providing on-line definition of the multi-region market research study including providing for on-line selection of one or more regions to conduct the study (Abelow, pages 2 – 7, 42 – 43, and 93 – 95);

notifying one or more translation services to translate study elements of the multi-region market research expressed in an original language into one or more target languages (Abelow, pages 49 – 50; and fig. 10A – 10B);

Abelow does not disclose providing of on-line status monitoring for the translations. However, since Abelow is clearly directed to facilitate proper and culturally appropriate translations (Abelow, pages 49 – 50; and fig. 10A – 10B), one having ordinary skill in the art would have found it is obvious to implement the on-line status monitoring of translations within the Abelow system, with the motivation of ensuring accurate market survey results by verifying that the best translation are provided when other languages are selected (Abelow, pages 3, and 93 – 95).

As per claims 2, 4 – 7, note pages 3, 35- 40, 93 – 50 and 102 of Abelow, wherein Abelow teaches:

selecting regions in which to conduct market studies on-line (pages 35 – 44);

notifying of the one or more translation services are automatically performed in response to the definition of the study (pages 49 – 50);

wherein said providing of on-line check in for translated study elements, study questions, study pick lists, and study concepts (Abelow; on-line selection, maintenance, storage, and tracking of customer design instruments (CDI);

on-line selection of translations and display a summary report (pages 49 – 50).

As per claim 3, Abelow teaches the claimed invention but does not explicitly teach the step of providing of real time cost estimate. However, it is respectfully submitted that it is well known that companies expend and invest considerable money to research consumer feedback on the products and services generated by the company (Abelow, pages 2 – 3). As such, the skilled artisan would have found it is obvious to provide real time cost estimates for a market research survey, with the motivation of providing time and dollar savings for such an undertaking (Abelow; page 48).

Claims 8- 21, and 43- 47 recites the various limitations of claims 1 – 7 in different combinations, and are therefore obvious for the same reasons given above for claims 1- 7.

Apparatus claims 22- 42, and 48 –52 recite the features of method of claims 1 – 21, and 43 – 47 as a series of functions stored on a storage medium coupled to one or

more processor. Since Abelow clearly teaches the underlying process steps, it is readily apparent that Abelow disclose the apparatus elements required to perform such steps, especially since the Abelow system is embodied as a network of programmed computers having specific software (Abelow, pages 90 – 95).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard Saint-Cyr whose telephone number is (571) 272- 4247. The examiner can normally be reached on Mon- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leonard Saint-Cyr

07/19/06

Leonard Saint-Cyr

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